

ASSEMBLY BILL

No. 2587

Introduced by Assembly Member Roger Hernández

February 21, 2014

An act to add Section 798.17.5 to the Civil Code, relating to mobilehome parks.

LEGISLATIVE COUNSEL'S DIGEST

AB 2587, as introduced, Roger Hernández. Mobilehome parks: rent control.

The Mobilehome Residency Law governs the terms and conditions of residency in mobilehome parks, and exempts a rental agreement that satisfies specified criteria from any ordinance, rule, regulation, or initiative measure adopted by a local governmental entity that establishes a maximum amount a landlord may charge a tenant for rent.

This bill would authorize the legislative body of a local governmental entity to publish a notice of preparation of and prepare a regional mobilehome park rent survey, as defined, and to consider, approve, or approve with changes the survey at a public hearing, as specified. Within 12 months following the approval of the survey, the bill would authorize the legislative body to limit the base rent amount for a mobilehome rental agreement meeting certain conditions. The bill would also authorize interested persons to seek judicial review of the approved survey or limited base rent amount.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 798.17.5 is added to the Civil Code, to read:

798.17.5. (a) Notwithstanding Section 798.17, with respect to mobilehome park rents within its territorial jurisdiction, the legislative body of a local governmental entity may do all of the following:

(1) Publish a notice of preparation of a regional mobilehome park rent survey in a newspaper of general circulation and mail the notice by first-class mail to the management of each rental mobilehome park within its territorial jurisdiction.

(2) Conduct a survey.

(3) Publish a notice of public hearing for considering the survey and hold the public hearing no sooner than 90 days following the notice of hearing.

(4) Consider, approve, or approve with changes the information contained in the survey at the public hearing notice pursuant to paragraph (3), including the boundaries of the geographically relevant market area, and any additional information the legislative body deems appropriate.

(5) Within 12 months after the approval of the survey, limit the base rent chargeable under a rental agreement pursuant to subdivision (c) to an amount lower than the rental rate chargeable under subdivision (a) of Section 798.17.

(b) Within 30 days following the approval of the survey, the legislative body shall mail a notice of its approval of the survey and the base rent amount as limited under subdivision (a) to the management of each rental mobilehome park within its jurisdiction.

(c) The base rent amount limited under subdivision (a) shall apply to the following:

(1) The rental of a mobilehome space, whether occupied by a manufactured home or not, if the rental agreement is not extended and no new rental agreement in excess of 12 months' duration is entered into.

(2) The rental of a mobilehome space if the space is vacant for a period of 30 days.

(d) An interested person may seek judicial review of the approved survey and the limited base rent amount under

1 subdivision (a) as authorized pursuant to Section 1085 of the Code
2 of Civil Procedure.

3 (e) For the purposes of this subdivision, “regional mobilehome
4 park rent survey” or “survey” means a written survey of rental
5 mobilehome park rent levels within a geographically relevant
6 market area that compares and describes the rent levels in
7 mobilehome parks within the 12 months preceding the publication
8 of the notice of preparation described in paragraph (1) of
9 subdivision (a). A copy of the survey shall be available for public
10 inspection within 15 days of publication of the notice of public
11 hearing described in paragraph (3) of subdivision (a).